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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9
10 STATE OF WASHINGTON, *et al.*,

11 Plaintiffs,

12 v.

13 U.S. FOOD AND DRUG
14 ADMINISTRATION, *et al.*,

15 Defendants.

No. 1:23-cv-03026

JOINT STATUS REPORT

16 Pursuant to this Court's January 17, 2024 Order (ECF No. 132), the parties
17 file this Joint Status Report.

- 18 1. Defendants produced the administrative record to Plaintiffs on September
19 1, 2023. Following production of the administrative record, Defendants
20 filed a certified index to the administrative record with the Court. ECF
21 No. 127. On March 8, 2024, the Court granted in part Plaintiffs' motion
22 to supplement the administrative record. ECF No. 146. On April 12,

24 JOINT STATUS REPORT

2024, Defendants supplemented the record as ordered and filed an amended certified index to the administrative record with the Court. ECF No. 150.

2. On January 17, 2024, the Court ordered the parties to file a joint status report within 30 days after the Supreme Court issues its opinion in *FDA v. Alliance for Hippocratic Medicine*, No. 23-235, and *Danco Laboratories, LLC v. Alliance for Hippocratic Medicine*, No. 23-236. ECF No. 55. The Supreme Court issued its opinion in those cases on June 13, 2024, holding that the respondents “lack[ed] Article III standing to challenge FDA’s [2016 and 2021] actions” relating to mifepristone. *See FDA v. Alliance for Hippocratic Medicine*, 602 U.S. 367, 372 (2024). That case has been remanded for “further proceedings consistent” with the Supreme Court’s decision. *Id.* at 397. The parties in that case, including the three States that have intervened (Missouri, Kansas, and Idaho), have not yet indicated what further proceedings, if any, should occur.
3. The parties jointly request that this Court set the following schedule for briefing cross-motions for summary judgment:

- a. Plaintiffs will file their motion for summary judgment, not to exceed 25 pages, no later than October 10, 2024;
- b. Defendants will file their combined cross-motion for summary judgment and opposition to Plaintiffs' motion for summary judgment, not to exceed 40 pages, no later than December 6, 2024;
- c. Plaintiffs will file their combined reply in support of their motion for summary judgment and opposition to Defendants' motion for summary judgment, not to exceed 35 pages, no later than January 24, 2025;
- d. Defendants will file their reply in support of their motion for summary judgment, not to exceed 20 pages, no later than March 7, 2025;
- e. The parties shall jointly prepare, and Plaintiffs shall file, a joint appendix containing portions of the administrative record cited in the parties' briefs no later than March 21, 2025;

4. Following the completion of briefing, the parties will advise the Court of their availability for oral argument.

July 15, 2024

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CERTIFICATE OF SERVICE

I hereby certify that, on July 15, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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